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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	CC Docket No. 96-98 RM-9101

OPPOSITION OF GTE SERVICE CORPORATION

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SUMMARY

Petitioners LCI International Telecom Corp. and the Competitive Telecommunications Association propose the initiation of a rulemaking to prescribe national standards for operational support systems ("OSSs") provided by incumbent local exchange carriers ("ILECs") to competitive local exchange carriers ("CLECs"). In effect, the Petitioners are asking the Commission to second guess or preempt ongoing negotiations, arbitrations, state public utility commission ("PUC") proceedings, and industry standards deliberations concerning OSSs. Simply stated, they want the Commission to plunge into an arena which involves a detailed factual understanding of local conditions and then substitute its judgment for that of the parties, PUCs, and industry standards bodies.

As the Petitioners concede, each ILEC currently has its own combinations of electronic and manual legacy systems to accommodate CLEC needs. Even within individual ILECs, those capabilities can vary from local exchange to local exchange. The complexity of responding to CLEC demands is not only bounded by practical realities, but also by the diversity of the different CLECs' approaches. There is a large menu of conflicting and differing system requirements and demands emanating from scores of aspiring CLECs.

In this context, Petitioners' claim of ILEC foot dragging flies in the face of the facts. Voluntary and arbitrated interconnection agreements are moving forward. State PUCs have made objective decisions about the speed and capability of adapting existing ILEC systems to a new regime. And industry standards bodies, such as the

ATIS-sponsored Ordering and Billing Forum, are already making significant progress in developing standards with the full participation of ILECs and CLECs.

The Petitioners' proposed end-run around these processes should be summarily rejected for several reasons:

The outcome of the pending Eighth Circuit court case could potentially affect the agency's jurisdiction and discretion to adopt OSS requirements. As a preliminary matter, the Commission should defer action on the Petition pending the decision by the U.S. Court of Appeals on the agency's jurisdiction over unbundled network elements generally, as well as the agency's discretion in adopting requirements for OSSs specifically. These issues have been squarely raised on appeal.

ILECs are meeting their nondiscrimination obligations. In general, ILECs are providing CLECs with nondiscriminatory access to their OSSs. In contrast, the bulk of the Petition focuses on CLEC demands for special treatment and capabilities exceeding that available to the ILECs' own operations. In several respects, they would require ILECs to meet benchmark standards which no ILEC could possibly meet for its own customers. The Petitioners real complaint is that ILECs have not proceeded in lemming-like fashion to follow CLEC demands for special and customized electronic interfaces.

The Petitioners completely ignore the ILECs' right to cost recovery for customized OSS capabilities tailored to CLEC needs. Although Petitioners demand that ILECs develop specialized interfaces and new processes under exceedingly high, if not impossible, benchmarks, they are conspicuously silent on ILEC cost recovery rights. The Act, its legislative history, and Commission precedents all confirm that ILECs are

entitled to recover these costs from the cost-causers. Any other outcome would force ILECs to subsidize their competitors by increasing rates to the very customers that the CLECs seek to capture; or, faced with an inability to recover these costs given market conditions, the Commission would be sanctioning an unconstitutional taking.

The Commission should not overrule agreements, arbitrations, PUC policies, or industry standards bodies. ILECs have strong incentives to keep CLECs on their networks as satisfied customers. In contrast, many CLECs have strong incentives to aggravate rather than remedy efforts to establish OSS standards as a barrier to Bell Operating Company entry into interLATA services. An FCC action to override the panoply of ongoing OSS activities could only retard achievement of sound ground rules that accommodate real-world conditions. Accordingly, the requested rulemaking would not serve the public interest.

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Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	CC Docket No. 96-98 RM-9101

OPPOSITION OF GTE SERVICE CORPORATION

GTE Service Corporation and its affiliated telephone operating companies[1] (collectively, "GTE") hereby submit their Opposition to the petition filed by LCI International Telecom Corp. and the Competitive Telecommunications Association ("Petitioners") in the above-captioned docket.[2] Petitioners have requested that the Commission initiate a rulemaking to establish standards for incumbent local exchange carriers' ("ILECs") operation support systems ("OSSs"). However, any such rulemaking would impede rather than facilitate the establishment of reasonable and effective standards. Accordingly, GTE urges the Commission to refrain from actions that would further complicate resolution of these already complex issues.

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[1] GTE Alaska Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., and Contel of the South, Inc.

[2] Petition for for [sic] Expedited Rulemaking by LCI International Telecom Corp. and Competitive Telecommunications Association (CompTel), CC Docket No. 96-98 (filed May 30, 1997) ("Petition").

As detailed below, ILECs and competitive local exchange carriers ("CLECs") have been extensively negotiating OSS issues as part of their interconnection agreements. State regulators have been examining and defining performance criteria for ILECs through the mediation and arbitration processes. Moreover, the Alliance for Telecommunications Industry Solutions ("ATIS")-sponsored Ordering and Billing Forum, as well as other industry standards-setting committees, are studying OSS issues and developing consensus standards.

The fact that each ILEC has different legacy systems and each CLEC has different needs makes this an extremely difficult process. ILECs have been besieged by a multiplicity of inconsistent CLEC requests that often disregard the capabilities of existing OSS systems as well as the costs of enhancing those systems. In order to accommodate CLEC needs, industry committees with ILEC and CLEC participation have already established numerous standards, and they are continuing their work diligently.

Petitioners are trying to do an end-run around these processes by having the Commission set standards without regard to state interconnection decisions or industry efforts. A Commission foray into the regulation of OSSs would unnecessarily entangle the agency in complex issues already being addressed at the state level and by standards bodies, which would make it more difficult, rather than easier, to develop national standards. The Commission should not allow such a circumvention of state-approved interconnection agreements or duplication of the standards bodies' procedures.

I. FCC INTERVENTION IS NEITHER APPROPRIATE NOR NECESSARY.

A. CLEC/ILEC negotiations under state commission auspices are the appropriate forums for determining OSS issues.

As part of the proceedings regarding the Commission's Interconnection Order, the Eighth Circuit Court of Appeals is considering whether the Commission has properly classified OSSs as a network element.[3] It would be premature for the Commission to consider additional regulations prior to the Court's decision in that case, which is expected shortly. The more prudent course is to wait for the Court to determine the extent of the Commission's authority.

In any event, state public utilities commissions ("PUCs") are in the best position to consider these issues because they are familiar with local ILECs' legacy systems and capabilities and likely CLEC needs. PUCs throughout the country are already deciding OSS issues through arbitration proceedings between ILECs and CLECs. In these proceedings, state authorities have made objective decisions based on a review of the issues to ensure that CLECs receive the nondiscriminatory access required by the Interconnection Order.[4] Petitioners, however, are trying to bypass the state arbitration processes and have the Commission reevaluate state decisions that did not adopt the

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[3] Brief for Petitioners Regional Bell Companies and GTE at 49-73, *Iowa Utilities Board, et al., v. FCC*, No. 96-3321 et al. (8th Cir. consolidated Sept. 11, 1996). GTE and other ILECs have argued before the Court that OSS is not a network element as defined in the Act, and GTE's statements herein are submitted without prejudice to this argument.

[4] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 11 FCC Rcd 15499 (1996) ("*First Interconnection Order*").

Petitioners' views. The Commission should not override these local judgments, especially when state decision-makers have better access to the relevant information.

B. Industry standards bodies are working to accommodate the need for national standards with the existence of legacy systems.

ILECs, CLECs, and other telecommunications industry participants have been putting considerable effort and resources into a number of standards forums that have made significant progress. In particular, the Ordering and Billing Forum ("OBF"), sponsored by ATIS, has been studying and resolving local competition issues since May 1995. In OBF, more than 90 companies are represented by over 475 people. OBF has two stages of closure for issues, initial and final, so that the industry has ample opportunity to review the proposed standards and suggest changes.

OBF has concentrated its efforts on developing standards for pre-ordering, ordering, provisioning, and billing. For pre-ordering, OBF has been reviewing several requirements, including telephone number assignment, due date assignment, features availability, address verification, and customer service record.

With regard to ordering, final closure has been reached for resale of basic exchange, ISDN, private lines, and frame relay, while Centrex and resale of PBX trunks and DID trunks have reached initial closure. Similarly, for unbundled network elements ("UNEs"), final closure had been reached for simple loops, complex loops, line switch ports, loop and line switch ports, and trunk switch ports, with only a few loop issues remaining open. The majority of work has also been completed on the Directory Listings Guidelines, interconnection trunks, and number portability. In addition, OBF's

Subscription Committee has been studying local competition issues surrounding the customer account record exchange and has established the basic foundation for an industry standard primary interexchange carrier order process involving local resale and ported telephone number activities. For ordering and provisioning, OBF has completed approximately 62 issues related to local service and is currently working on another 80 issues.

Once OBF has defined ordering and billing formats, standards must be developed for the transmission medium from ILECs to CLECs. The work of defining industry standards for ILEC to CLEC pre-order, order, repair and billing transactions is being addressed by the T1 Committee, the Electronic Communications Implementation Committee ("ECIC"), and the Telecommunications Industry Forum ("TCIF"). Once these guidelines are approved for implementation, the EDI Service Order Subcommittee of TCIF defines electronic transmission standards that enable the development of application to application real time interface capability. GTE is building interfaces to electronic data interface ("EDI") Version 7 specifications which have been defined for resale simple ordering and EDI 811 billing. EDI Version 7 for pre-ordering, resale complex ordering, and UNE ordering are not yet available to the industry. Preliminary discussions are just beginning within the industry on the modifications necessary to support repair interfaces using electronic bonding. GTE agrees with Petitioners that the costs of developing systems and software and training necessary to use any particular interface are substantial. The least costly approach is to build electronic interfaces to EDI standards.

For provisioning, OBF has reached final closure on firm order confirmations and is continuing to study issues surrounding delay notices, completion notices, and error identification. The group has also created billing guidelines for shared NPA-NXXs, increased fields for operating company numbers, local number portability ("LNP") to and from ported numbers, line level information exchange, RAO code exhaust, rate center LNP message processing, and return codes for resellers. Work is continuing on geographic LNP, message processing for resale, CLEC pack confirmation, LNP database queries, and billing validation database and automated message accounting support for LNP.

As demonstrated by this only partial list of completed and pending issues, the complexity of developing national industry standards is enormous. OBF, in conjunction with other industry standards bodies, is the best forum through which standards can be developed. These standards bodies ensure that ILEC legacy systems are taken into account, so that new systems do not create unnecessary expenses that would raise prices for consumers. At the same time, they also serve to guarantee that the needs of CLECs and other industry participants are considered. Commission intervention will only make it more difficult to develop standards by diverting attention and resources from resolving OSS issues.

C. ILECs have ample incentives to comply with the Act's nondiscrimination requirements.

In contrast to the Petitioners' laundry list of complaints, the record shows that ILECs are generally complying with their obligations, and federal OSS standards are unnecessary to compel ILEC compliance with the Act. First, ILECs are bound by their

contractual agreements with CLECs to meet specific nondiscrimination standards. These agreements often include significant monetary penalties for failing to meet the agreed-to standards. Second, state commissions are closely monitoring ILEC compliance with arbitrated agreements to ensure that ILECs are meeting their obligations. Last, but not least, ILECs have strong market incentives to meet the Act's nondiscrimination requirements. CLECs purchasing resale services and UNEs from ILECs are ILEC customers. Thus, ILECs need to meet the CLECs' customers requirements, or they risk CLEC bypass of their networks, causing them to lose even greater revenue.

II. GTE IS CURRENTLY PROVIDING CLECs WITH ACCESS TO GTE OSSs IN A NONDISCRIMINATORY MANNER AND IS CONTINUALLY WORKING TO IMPROVE ITS SYSTEMS.

In spite of Petitioners' claims that ILECs are generally failing to meet their obligations,[5] GTE has invested significant resources and effort into ensuring that CLECs have the nondiscriminatory access required by the Act. As Petitioners are well aware, implementation of the mechanisms required to allow CLECs to have access to ILEC internal systems is a complicated process because most legacy systems were designed to meet the ILECs' obligations as carriers-of-last-resort, not to serve multiple competitors. However, GTE has made substantial progress and is proud to have met the Commission's January 1, 1997 deadline.

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[5] Petition at 30-33.

A. GTE's OSSs provide CLECs with the nondiscriminatory access they need to compete in the local exchange market.

Since January 1, 1997, GTE has offered several options to access its OSS capabilities, including manual access (such as telephone and facsimile) and access via an electronic gateway. These varying options accommodate CLECs with different levels of technical sophistication. Although the efficiency of access improves with each level, each of these forms of interface provides nondiscriminatory access to OSS functions. GTE will continue to develop and refine its OSS interfaces as industry standards and CLEC requirements change, which given the complexity of the task, they undoubtedly will. A short description of GTE's electronic access to the data and processing functions for GTE pre-ordering, ordering and provisioning, repair and maintenance, usage and billing, and local account management and subscription services is provided below.

Pre-ordering and repair and maintenance. For pre-ordering and repair and maintenance, GTE offers two electronic access mechanisms and one manual backup process. The electronic options include: 1) access via a Secure Integrated Gateway System ("SIGS") form-based web interface, which provides a presentation layer to the CLEC and 2) an HTTP data stream based on Web standards that can be used as an electronic interface from the CLEC's systems to GTE OSSs. In addition, the CLEC can contact a GTE representative directly and avoid the use of electronic systems altogether. Both the SIGS and the HTTP solutions allow real-time access to GTE OSS pre-ordering and repair systems and non-discriminatory access to OSS data and functions. The SIGS method has lower startup costs, with GTE designing the screen

formats while the CLEC enters and retrieves data. The HTTP data stream allows a more sophisticated CLEC to interface on a mainframe basis and modify the input and data query screens to fit the CLEC's existing systems.

In addition, SIGS was intentionally designed to be flexible and adapt to the differing needs of CLECs. For example, access can be provided by using GTE entry screens, as described above. However, more sophisticated CLECs can employ application to application interfaces in which a CLEC's data elements are "mapped" to GTE's data elements. Using a dedicated, leased line side interconnection, CLECs can then use their own internally developed screens.

Ordering and provisioning. For ordering and provisioning, GTE provides electronic connection through the Fast Connect or Network Data Mover ("NDM") file transfer product to transmit Local Service Requests ("LSRs") to the GTE National Open Market Center ("NOMC"). NDM is an industry-accepted method currently in use for transmittal of Carrier Access Bills and Access Service Requests. GTE intends to provide CLECs with the option of transferring the OBF-defined LSR using the EDI order format. The initial EDI specifications for simple resale services were completed in April 1997, and full deployment is expected by the end of 1997. Industry bodies continue to define standards for complex resale ordering and UNEs.

Contrary to Petitioners' claims, the SIGS and NDM functionalities are not being phased out.[6] Rather, these technologies were selected precisely to avoid exposing CLECs to the true idiosyncrasies of GTE's legacy systems. CLECs will not need to

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[6] Petition at 83.

adjust to, and will not even be aware of, changing system interfaces as GTE migrates from these regional legacy OSSs to future applications. In some cases, in fact, a CLEC representative may have better access than an internal GTE representative since SIGS provides one means of access to multiple systems' functions, while a GTE representative must log in and out of several systems to retrieve the same information and perform the same functions. Thus, rather than being replaced, SIGS and NDM are the basis for much of GTE's future OSS development.

GTE uses its standard customer billing systems, CBSS, to bill retail, resale, and UNE services. Detailed billing information is provided in a paper format, on CD-ROM, or in EDI 811 electronic format with usage billing provided in an Electronic Message Record ("EMR") format. GTE also provides unrated usage records to the CLECs for their use in billing their end-user customers. These records are provided on the same intervals that GTE processes usage records for its own internal needs and applications. An NDM application is employed for delivery of usage records to each CLEC, but magnetic tape is also available. GTE also plans an enhancement to CBSS that will allow production of wholesale bills in access bill format.

The Local Account Management and Subscription Services application allows the CLEC to control the processing of primary interexchange carrier ("PIC") change requests. For both resale local exchange services and unbundled ports, the CLEC will be able to process PIC change requests through GTE's Balloting and Allocation System ("BAS CARE") or through the LSR process.

As for Petitioners' claims that ILECs have made no provision for parity of access for billing data for terminating access charges,[7] this is simply not the case. For resale and unbundled local switching, GTE will record the usage for local or intraLATA toll, as applicable. GTE then provides the call records to CLECs on a daily or cyclical basis, depending on the CLEC's preference. This information gives the CLEC the ability to bill its customers for local and intraLATA toll within the same timeframe and degree of accuracy as GTE bills its own customers. For the access usage, GTE must first process the information recorded at the switch by identifying the usage originating from or terminating to a CLEC unbundled local switching customer. GTE then provides the call records to the CLEC with the same level of detail and on the same timeframe as they are available to GTE so that the CLEC can bill interexchange carriers for their rate elements.

GTE continues to improve its OSS access for CLECs. In addition to participating in all major industry standards bodies, GTE is developing the following enhancements to its automated capabilities: EDI ordering capabilities for conversions and new installations on residential and business access lines (pending adoption of OBF standards); access for pre-ordering and maintenance and repair via X.25; automated Internet forms, such as customer service record and data gathering forms; and automated customer service record request and response. GTE also plans to develop additional real-time access, via SIGS, so that CLECs can navigate and launch data queries/commands into GTE OSS systems for the following functions:

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[7] Petition at 33.

- Pre-ordering – allow access to GTE customer service record information, telephone number assignment, feature availability, due date selection, and address validation via EDI upon release of OBF standards;

- Ordering – permit local service requests for simple resale services to be entered directly into GTE's ordering systems via EDI Version 7 during the fourth quarter of 1997;

- Provisioning – provide local service confirmation, order status, and order completion notice via EDI or NDM during the fourth quarter of 1997 or the first quarter of 1998;

- Repair and maintenance – provide access to resale and UNE repair and maintenance functions via electronic bonding upon release of industry standards, expected during 1998; and

- Billing – convert to CABs-like billing format during 1998.

To further facilitate CLEC OSS usage, GTE has held workshops at four different sites entitled "How to do business with GTE." Attendance by over 200 participants representing 60 CLECs yielded many favorable comments, and several useful suggestions from participants are being incorporated for future workshops.

B. GTE is already subject to extensive performance requirements through its arbitration agreements.

In support of their request for the FCC to set OSS standards, Petitioners stress the importance of establishing benchmarks and complain that at least one ILEC has asserted that one ILEC does not know its own internal benchmarks.[8] The fact that ILECs are not able to provide internal benchmarks for all OSS functions is to be expected. Metrics, the means of measuring whether an ILEC is providing functionality to an established standard of quality, are designed to evaluate a particular function and

[8] Petition at 23-24.

will necessarily vary with the function at issue. Historically, GTE has measured its performance in terms of standards established by state commissions, such as call answer time and due date performance. However, internal metrics do not currently exist for functionalities provided to CLECs since there has been no need for such measures in the past.

Notwithstanding this lack of historical data, ILECs and CLECs have been establishing benchmarks and performance standards through negotiation and arbitration of interconnection agreements. Although these agreements often require ILECs to meet standards which are, at best, estimates of the ILECs' performance for its internal purposes, they do take into account each ILEC's legacy systems and capabilities. Moreover, to ensure ILEC compliance, state commissions have often required ILECs to suffer severe financial penalties for each benchmark that is not met. Although GTE believes that some of these standards are unrealistic and will have to be adjusted as future experience is evaluated, they at least incorporate each ILEC's independent performance and allow for varying benchmarks in areas where an ILEC may have a different network configuration providing a different level of service.

GTE has approximately 188 agreements with CLECs in place, of which 165 were negotiated and 23 resulted from state arbitrations. Virtually all of these agreements contain conditions on the provision of OSSs. An illustration of these contract benchmarks is contained in the GTE/AT&T interconnection agreement for California, and almost identical OSS requirements are approved in four other states.[9] Attachment

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[9] Submission of Interconnection, Resale and Unbundling Agreement Between GTE

(Continued...)

12 to that agreement details both comparative standards to GTE performance and absolute benchmarks that GTE must meet. Noncompliance with these requirements is enforced through significant monetary penalties.

An example of an absolute standard is as follows. If GTE does not send AT&T 85 percent of all customer service records ("CSRs") by the close of business on the business day following the request, AT&T is not responsible for 5 percent of its average nonrecurring charges for the number of CSRs for which the quality standard is not met. Alternatively, a comparison standard requires that the percent of AT&T customer install, transfer, and change service orders for which service is installed by the close of business on the committed due date not be more than 2.5 percent below the similar percentage of GTE customer install, transfer, and change service orders. If this standard is not met, GTE must waive the average nonrecurring charges for installation for the number of lines by which GTE fails to meet the standard. Thus, not meeting its contractual obligations poses serious financial consequences for GTE, regardless of any federal or state standards.

C. Contrary to Petitioners' claims, GTE has had no difficulties meeting CLEC needs.

In their Petition, LCI and CompTel note that GTE has been developing new systems and that the testing of these systems is not complete.[10] However, Petitioners

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(...Continued)
California Incorporated and AT&T Communications of California, Inc., Application No. 96-08-041 (filed Jan. 23, 1997).

[10] Petition at 83-84.

fail to note that GTE is not only already meeting its OSS nondiscrimination obligations, but it is also continuing to implement these and other new systems to provide improved service for both its own and CLECs' use. In addition, GTE has received favorable comments on SIGS and its other systems from a number of CLECs currently utilizing these mechanisms. Since GTE's OSS access systems are relatively new, it is still in the process of developing performance measurements, as Petitioners note. However, this is to be expected with the introduction of any new process.

Petitioners' allegations regarding GTE OSS provision in Washington state are misleading,[11] and GTE is in full compliance with all Washington Commission decisions. In the Washington state interconnection arbitration with MCImetro, to which Petitioners refer, there were 83 open issues reviewed and decided by the Washington Utilities and Transportation Commission. GTE's position that end users' customer proprietary network information ("CPNI") should not be disclosed without a written letter of authorization signed by the customer is consistent with state commission decisions in Alabama, California, Wisconsin, Illinois, Ohio, and Texas.[12] However, after the Washington Commission issued its decision, GTE fully complied with its terms. Moreover, when the Washington Commission required GTE to implement electronic interfaces, which Petitioners also mention, GTE also complied with that decision.

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[11] Petition at 84.

[12] Some states, such as Oregon and Minnesota, are deferring a decision on release of CPNI until the Commission considers this issue in CC Docket No. 96-115, while other states, such as Hawaii and North Carolina, require third party verification prior to release of CPNI.

However, GTE has retained its manual interfaces for CLECs not requiring electronic capabilities.

GTE has worked cooperatively with CLECs to resolve all issues in a partnership-like manner rather than an adversarial one. As various issues arise and are communicated to GTE Wholesale Markets, either directly by the CLEC or through GTE Account Management, GTE Wholesale Markets has proposed and implemented mechanized and/or manual work-around solutions. In addition to resolving minor problems with GTE's systems, some of these mechanized solutions and manual work-arounds have helped CLECs improve their own system deficiencies.

GTE's own CLEC will be using the same processes that other CLECs utilize when purchasing resale services and UNEs from GTE as an ILEC. In fact, GTE's CLEC is required, without exception, to obtain access to OSS pre-ordering, ordering, provisioning, repair, and billing in exactly the same manner as any other CLEC obtains these services from GTE. As a result, GTE as a whole would be adversely affected if its Wholesale Markets division is inefficient at processing CLEC orders. Because GTE views CLEC entry as an opportunity to increase its wholesale business revenues, it has every incentive to be pro-active in striving to meet CLECs' needs for their launch into local markets. In addition, by being efficient, GTE discourages CLECs from bypassing the GTE network and preserves revenue.

III. THE PETITION COMPLETELY MISCHARACTERIZES THE STATUTORY AND COMMISSION REQUIREMENTS WHILE DISREGARDING REAL-WORLD CONDITIONS.

Although seemingly acknowledging that CLECs are only entitled to nondiscriminatory access to ILECs' existing OSSs, Petitioners rapidly expand this entitlement to include electronic access with no manual intervention regardless of the methods used by the ILEC itself. In addition, Petitioners believe that they are entitled to receive service based on objective standards they believe are reasonable. Although GTE agrees that it would be wonderful if all ILECs could provide immediate access to interfaces based on national standards and meet all of Petitioners' benchmarks, such a scenario is inconsistent with both the Act, Commission requirements, and real-world circumstances.

A. Petitioners ignore the plain language of the Act and the Commission's Interconnection Orders.

Section 251(c) of the Act requires that ILECs provide interconnection and access to UNEs "on rates, terms and conditions that are just, reasonable, and nondiscriminatory"[13] and resale on terms that are not discriminatory.[14] The plain language shows that ILECs must provide CLECs with the same quality of service as the ILEC provides to itself, *i.e.* its customers. What the statute does not require is that ILECs build new systems, at no cost to the CLEC, in order to accommodate CLEC desires or provide CLECs with better service than the ILEC itself enjoys. Because each

[13] 47 U.S.C. §§ 251(c)(2)(D), (c)(3).

ILEC uses different legacy systems, CLECs will naturally have to use these different systems. This is exactly what Congress intended – nondiscriminatory use of the same systems.

Although Petitioners initially cite to the Commission's Second Order on Reconsideration, which requires that CLECs have "access to OSS on terms and conditions 'equal to the terms, and conditions on which an incumbent LEC provisions such element to itself or its customers,'"[15] Petitioners diverge from that basic requirement and demand that the Commission set national standards that all ILECs must meet. For example, Petitioners state that "[i]t is critical that the interface to the OSS be electronic, and that the OSS functions electronically without manual intervention. The bottom-line is: A carrier cannot conduct its business effectively or efficiently without error-free, well-designed, and well-developed electronic OSSs."[16] However, Petitioners fail to note that: 1) the Act's nondiscrimination requirement means that CLECs should get the same quality of service as the ILEC provides to itself, 2) CLECs must reimburse the ILEC for any costs incurred in providing nondiscriminatory access, and 3) if CLECs request a higher quality of service, they must pay the associated costs.

(...Continued)

[14] 47 U.S.C. § 251(c)(4)(A).

[15] Petition at 4 (quoting *Second Order on Reconsideration*, CC Docket No. 96-98, ¶ 9 (rel. Dec. 13, 1996)).

[16] Petition at 6.

Moreover, Petitioners state that "there is no genuine dispute that the Commission found [at Order ¶ 520] that it was 'technically feasible' for the ILECs to provide fully electronic OSS interfaces requiring no manual intervention."[17] The Commission's Order, however, does not confirm this analysis. In fact, the cited paragraph of the Commission's Order states only that:

> We conclude that providing nondiscriminatory access to operations support systems functions is technically feasible. Incumbent LECs today provide IXCs with different types of electronic ordering or trouble interfaces that demonstrate the feasibility of such access, and perhaps also provide a basis for adapting such interfaces for use between local service providers.[18]

The remainder of the paragraph discusses the testing of interfaces by ILECs and industry standards efforts. Thus, contrary to Petitioners' assertion, this paragraph does not state that fully electronic access to OSSs without any manual intervention is currently technically feasible. Nor would such a conclusion be consistent with the facts.

GTE agrees that error-free, fully electronic systems requiring no manual intervention would be ideal.[19] However, ILECs, including GTE, have built their networks

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[17] Petition at 21 (citation omitted).

[18] *First Interconnection Order* at 15765.

[19] The Petition itself quotes the Justice Department's Evaluation of the Southwestern Bell application for long-distance authority in Oklahoma which states that "a BOC must demonstrate that its electronic interfaces and processes, *when combined with any necessary manual processing*, allow competitors to serve customers throughout a state and in reasonably foreseeable quantities ...." Petition at 7 (quoting Evaluation of the United States Department of Justice, CC Docket No. 97-121 at 29 (filed May 16, 1997) (emphasis added)). Thus, at least the Department of Justice, if not Petitioners, recognizes the continuing need for manual intervention.